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Attention: Examiner: Steve S. Paik
Supervisory Examiner: Michael G. Lee
Group Art Unit: 2876
UNITED STATES PATENT AND TRADEMARK OFFICE

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Pages: Cover + 2 + 13 + 15 = 31

Date: December 1, 2005

From: Georgann S. Grunebach
Assistant General Counsel

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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the correspondence identified above is being facsimile transmitted to 571-273-8300 (Centralized Facsimile Number), addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 1, 2005

Georgann S. Grunebach, Reg. No. 33,179 (Printed Name of Depositor)

December 1, 2005 (Date of Signature)

Re: Serial No. 10/723,617

Attorney Docket No. PD-203076

Please find attached:

- Appeal Brief
- Fee Transmittal (1 page in duplicate)

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PATENT
Docket No. PD-203076
CUSTOMER NO.: 020991

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Christopher Stewart	:	Date: December 1, 2005
Serial No.:	10/723,617	:	Group Art Unit: 2876
Filed:	November 25, 2003	:	Examiner: Steve S. Paik

For: SMART CARD READER

TRANSMITTAL LETTER FOR APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: Transmitted herewith is an Appeal Brief in the above-identified application.

__X__ Applicant respectively requests for a two month extension of time from 10-25-2005 to 12-25-2005. The fee in the amount of $450.00 is due.

__X__ The Appeal Brief Fee of $500.00 is due.

Charge **$ 950.00** to Deposit Account No. 50-0383 of The DIRECTV Group, Inc. (formally Hughes Electronics Corporation), El Segundo, California. Please charge any additional fees for claims or credit overpayment to Deposit Account No. 50-0383. If any additional extension fee is required, please charge to Deposit Account No. 50-0383. **This form is submitted in duplicate.**

Respectfully submitted,

Georgann S. Grunebach, Reg. No.: 33,179
Attorney for Appellant

Certification of Facsimile Transmission UNDER 37 CFR 1.8

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Georgann S. Grunebach, Reg. No.: 33,179
Attorney for Appellant

December 1, 2005
Date

The DIRECTV Group, Inc.
Patent Docket Administration
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	:	Christopher Stewart
Serial No.	:	10/723,617
Filed	:	November 25, 2003
For	:	**SMART CARD READER**
Examiner	:	Steve S. Paik
Art Unit	:	2876
Our File No.	:	PD-203076

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Hon. Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Appellant submits this Appeal Brief along with of the required filing fee of $500.00 pursuant to 37 C.F.R. § 41.20. A Notice of Appeal was filed on August 25, 2005. Appellant further requests a two-month extension of time in the amount of $450.00, pursuant to 37 C.F.R. §1.136(a). The Commissioner is authorized to charge any deficiency or credit any excess in these fees to Deposit Account No. 50-0383.

Certificate of Transmission under 37 CFR 1.8

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Date: December 1, 2005

Georgann S. Grunebach, Reg. No. 33,179

12/02/2005 FMETEKI1 00000016 500383 10723617
02 FC:1252 450.00 DA

12/02/2005 FMETEKI1 00000016 500383 10723617
01 FC:1402 500.00 DA

REAL PARTY IN INTEREST

The real party in interest is The DIRECTV Group, Inc.

RELATED APPEALS AND INTERFERENCES

Appellant's attorney is not at this time aware of any related appeals and/or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

This is an appeal from the Examiner's final rejection of claims 1-6 dated May 26, 2005. The claims on appeal, claims 1-6, are set forth in the Appendix A (page 1). Claims 1-6 stand rejected.

STATUS OF AMENDMENTS

Appellant submitted an Amendment After Final Pursuant to § 1.116 which was responsive to the Final Office date July 15, 2005. Per the Advisory Action of July 28, 2005 the Examiner did not enter the proposed amendments stating that the proposed amendments raised new issues that would require further consideration and/or search.

SUMMARY OF INVENTION

The present invention provides users with a novel card reader design that enables the insertion of smart cards into an open receptacle. The card reader of the present invention includes a receptacle 15 that includes placement tabs 16 or a receptacle lip 32 for securely anchoring the smart card for activation and data flow. The configuration of the present invention permits the insertion of the smart card in a reader that minimizes the abrasion and wear upon the smart card.

It is therefore an object of the present invention to provide a card reader 10 for usage with a smart card 20 comprising: an open receptacle 15, where the receptacle 15 includes at least one open side, a bottom surface 11d, a first lateral wall 11a, a second lateral wall 11c and a longitudinal wall 11b; at least one placement tab 16, where the at least one placement tab 16 extends into the receptacle 15 and secures the placement of the smart card 20 in the receptacle 15; and a plurality of contacts 18 residing within the receptacle 15 where the plurality of contacts 18 connect to a smart chip 22 within the smart card 20 upon placement of the smart card 20 in the receptacle 15, see specification p. 6 lines 5-18, Figure 1.

It is also an object of the present invention to provide a card reader 30 for usage with a smart card 20 comprising: an open receptacle 35, where the receptacle 35 includes at least one open side; a receptacle lip 32 extending over a lateral side of the receptacle and a portion of two adjoining longitudinal sides of the receptacle to cover a portional edge of the receptacle 35 and securing the placement of the smart card 20 in the receptacle 35; and a plurality of contacts 18 residing within the receptacle 35 where the plurality of contacts 18 connect to a smart chip within

the smart card 20 upon placement of the smart card 20 in the receptacle 35, see specification p. 7 line 10 through p. 8, line 2.

It is also an object of the present invention to provide a method of smart card interface comprising: providing an open receptacle 15 within a smart card reader 10; enclosing the open receptacle 15 on three sides of the receptacle 15 with a first lateral wall 11a, a second lateral wall 11c and a longitudinal wall 11b; attaching placement tabs 16a, 16b, 16c along the first lateral wall 11a, second lateral wall 11c and longitudinal wall 11b; inserting a smart card 20 into the receptacle 15; placing a contact plate 12 within the smart card reader 10; aligning the contact plate 12 with a smart chip 22 residing on a smart card 20; and resiliently connecting the contact plate 12 to the smart chip 22, see specification p. 6 lines 5-18, Figure 1.

GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

Claims 1 and 6 have been rejected under 35 U.S.C. § 112 first paragraph, as failing to comply with the written description requirement.

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,091,618 to Takahashi (Takahashi).

ARGUMENT

A. Rejection of Claims 1 and 6 under § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1 and 6 are argued as a group

Claims 1 and 6 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that claims 1 and 6 contain subject matter not described in the specification in such a way as to reasonably convey to the one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Office Action further states that the features "a first lateral wall and a second lateral wall" are not described by the specification.

"[D]rawings alone may provide a written description of an invention as required by § 112. . . . Drawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed." Cooper Cameron Corp. v. Kvaerner Oilfield Prods., 291 F.3d 1317, 62 U.S.P.Q.2d 1846, 1850 (Fed. Cir. 2002). Claims 1 and 6 were amended to include further features that more clearly distinguish the present invention over prior art, namely the inclusion of first lateral wall and second lateral wall of that surround the open receptacle. In addition to amending claims 1 and 6 in the March 15, 2005 Amendment, see Appendix B, Appellant submitted amendments to the drawings and specification. The amendment to the drawings included the insertion of reference numbers 11a, 11b, 11c and 11d. Appellant's amendments to the specification included the description of the subject matter associated with the inserted reference numbers. The amendment to both the drawings and the specification were admitted without objection. The amendments to claims 1

and 6, "a first lateral wall and a second lateral wall," is the substance of the amended portions of the specification now clearly described in the text of the specification per the amendment. Furthermore, the original drawings themselves disclose the walls as now recited in claims 1 and 6 and the specification. Appellant merely added the reference numbers and description to clearly support the amended features of the "first lateral wall and second lateral wall." Appellant respectfully submits that the drawings, in fact, disclose the "first lateral wall and second lateral wall." Accordingly, whatever the original drawings disclosed may be added to the specification in words without violating the statutory prohibitions against new matter. See, In re Wolfensperger, 302 F.2d 950, 133 U.S.P.Q. 537, 542 (C.C.P.A. 1962). The original drawings contain the necessary disclosure and can form the basis of any valid claim, therefore, the amendment to claims 1 and 6 are validly supported by the original drawings themselves. Appellant respectfully requests withdrawal of this rejection based on the foregoing.

B. Rejection of Claims 1-6 under § 102(b) as being anticipated by Takahashi

Claims 1-6 are argued as a group

Claims 1 through 6 stand rejected under 35 U.S.C. 102(b) as being anticipated Takahashi. The Examiner states that the Takahashi reference discloses each of the elements of claims 1 through 6 of the present invention. Specifically, the Office Action states that Takahashi discloses the smart card reader that includes an open receptacle, at least one placement tab where the placement tabs extend from the first lateral wall, the second lateral wall and the longitudinal wall into the receptacle, and a plurality of contacts residing within the receptacle where the plurality of contacts connects to a smart chip. The Takahashi reference relates to an IC card reader/writer into which an IC card can be inserted having connection reliability of contact points thereof.

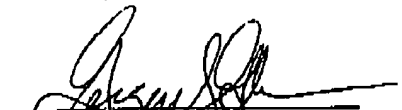
It is well settled that a claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference. Celeritas Techs., Ltd. v. Rockwell Int'l Corp., 150 F.3d 1354, 47 U.S.P.Q.2d 1516, 1522 (Fed. Cir. 1998), *cert. denied*, 525 U.S. 1106 (1999). Within the Office Action, the Examiner equates certain elements of amended claim 1 as being disclosed in the Takahashi reference. The Examiner specifically states that the longitudinal wall as recited in claim 1 equates to arm 5 mounted on a stationary base 6 disclosed within Takahashi. The arm 5 of Takahashi is connected to a contact spring frame 2 where the arm 5 rotates around a securing pin 4 as a pivot. Although the arm 5 operates as a stopper for contacting with a leading edge of an IC card 7 in Takahashi, arm 5 simply does not equate to the longitudinal wall as recited in claim 1. Note claim 1 recites placement tabs extending from the first lateral wall, second lateral wall and longitudinal wall, therefore the placement tabs are positioned on 3 sides of the smart card and the longitudinal wall does not extend over the surface of the smart card nor does it provide a pivot as does arm 5. Arm 5 of Takahashi merely serves as a stopper of the IC card and a pivot for the spring frame 2 for contact with an IC card that inserts into the reader. Quite clearly arm 5 does not equate to the longitudinal wall as recited in claim 1.

For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art. Motorola, Inc. v. Interdigital Tech. Corp., 121 F.3d 1461, 43 U.S.P.Q.2d 1481, 1490 (Fed. Cir. 1997). The Office Action further states that protrusion 3b of Takahashi equates to at least one placement tab as recited in claim 1. The protrusion 3b again relates to the contact spring frame where protrusion b is at the contact spring frame end 3 and provides a detecting means for the rotation of the contact spring frame 2 onto the IC card. Note this protrusion 3b does not extend from any lateral wall or longitudinal wall as recited in claim 1. Claim 1 clearly recites where the at least one placement tab extends from the first lateral wall, the second wall and the longitudinal wall

into the receptacle. Protrusion 3b fails to extend from any wall disclosed or described in Takahashi and is merely a protrusion off of the spring frame. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(emphasis added). Accordingly, Appellant respectfully submits that protrusion 3b does not equate to at least one placement tab as recited in claim 1.

Based on the foregoing, Takahashi fails to disclose or describe each and every element of claim 1. Independent claims 4 and 6 recite similar limitations in regard to the lateral wall and longitudinal wall, as recited in claim 1. Accordingly, based on the foregoing, Takahashi fails to disclose each and every element of claims 1, 4 and 6 of the present invention and, therefore, Appellant respectfully submits that Takahashi does not anticipate claims 1, 4 and 6. Claims 2, 3 and 5 depend from claims 1, 4 and 6, therefore Takahashi does not anticipate claims 2, 3 and 5 for at least the same reasons as stated above in regard to claims 1, 4 and 6. Withdrawal of this rejection is therefore respectfully requested and prompt allowance is requested.

Respectfully submitted,



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Appendix A - Claims

1. A card reader for usage with a smart card to reduce card abrasion comprising:

an open receptacle, where the receptacle includes at least one open side, a bottom surface, a first lateral wall, a second lateral wall and a longitudinal wall;

at least one placement tab, where the at least one placement tab extends from the first lateral wall, the second lateral wall and longitudinal wall into the receptacle and secures the placement of the smart card in the receptacle; and

a plurality of contacts residing within the receptacle where the plurality of contacts connects to a smart chip within the smart card upon placement of the smart card in the receptacle.

2. The card reader according to claim 1, wherein the plurality of contacts resiliently contact the smart chip within the smart card.

3. The card reader according to claim 1, further comprising:

a contact plate within the receptacle of the card reader that includes the plurality of contacts; and

a plurality of electrical leads from the contact plate.

4. A card reader for usage with a smart card to reduce card abrasion comprising:

an open receptacle, where the receptacle includes at least one open side;

a receptacle lip extending over a lateral side of the receptacle and a portion of two adjoining longitudinal sides of the receptacle to cover a portional edge of the receptacle and securing the placement of the smart card in the receptacle; and

a plurality of contacts residing within the receptacle where the plurality of contacts connects to a smart chip within the smart card upon placement of the smart card in the receptacle.

5. The card reader according to claim 4, wherein said receptacle lip resiliently maintains the smart card in contact with the plurality of contacts.

6. A method of having a card restraining tab smart card interface to reduce card abrasion comprising:

providing an open receptacle to minimize card area contact within a smart card reader;

enclosing the open receptacle on three sides of the receptacle with a first lateral wall, a second lateral wall and a longitudinal wall;

attaching placement tabs along the first lateral wall, second lateral wall and longitudinal wall;

inserting a smart card into the receptacle and engaging said placement tabs;

placing a contact plate within the smart card reader;

aligning the contact plate with a smart chip residing on a smart card; and

resiliently connecting the contact plate to the smart chip.

Appendix B – Evidence

Applicant's Amendment dated March 15, 2005 (attached)

Appendix C – Related Proceedings

None

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APPENDIX B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stewart, Christopher

Serial No.: 10/723,617

Filed: November 25, 2003

For: **SMART CARD READER**

Examiner: PAIK, STEVE S.

Art Unit: 2876

Attorney Docket No.: PD-203076

Certificate of Facsimile Transmission
Under 37 C.F.R. 1.8

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Georgann S. Grunebach
Reg. No. 33,179

Date: March 15, 2005

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed December 28, 2004, please amend the above-identified application as follows.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 5 of this paper.

Amendments to the Drawings begin on page 8 of this paper and include attached replacement sheets.

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Specification:

Please replace the paragraph beginning at page 1, line 2, with the following rewritten paragraph:

-- This application claims priority under 35 U.S.C. § 119(e) to U.S. Provisional Application No. 60/503,911, filed on September 18, 2003.

BACKGROUND OF INVENTION—

Please replace the paragraph beginning at page 6, line 4, with the following rewritten paragraph:

-- Figure 1 shows a smart card reader according to the present invention. As shown, a smart card reader 10 receives a smart card 20. A smart card reader 10 includes at least an internal contact plate 12 and connecting wires 14. The connecting wires 14 lead to a further connection device, not shown, that transmits signals from the card reader to a computer or computer network for transfer of data to and from the smart card 20. The bottom longitudinal edge of a smart card 20 leads into a smart card reader 10. The contact plate 12 is aligned within the reader 10 in order to facilitate contact between contacts 18 and the smart chip 22. Contact plate 12 includes a plurality of contacts 18. The card reader 10 may be used in a vertical plane as shown in Figure 1 or horizontal plane, however regardless of the orientation used, a user inserts the smart card with the longitudinal edge leading into the card reader. The card reader 10

includes two lateral walls, a first lateral wall 11a and a second lateral wall 11c, and a longitudinal wall 11b. The lateral walls 11a, 11c and longitudinal wall 11b define a perimeter wall for a receptacle 15. The card reader of Figure 1 includes placement tabs 16a, 16b and 16c. The placement tabs 16a, 16b and 16c partially extend from the two lateral walls 11a, 11c and the longitudinal wall 11b. The placement tabs 16a-16c resiliently hold the smart card 20 in place within a the receptacle 15. As can be seen from Figure 2, the smart card reader 10 is three sided, a bottom surface 11d with two lateral walls 11a, 11c; therefore receptacle 15 remains open on one side. The placement tabs 16a-16c apply inward pressure to the smart card 20 and ensures that contact remains constant between the smart chip 22 and contacts 18. The use of the tabs 16a-16c within the open receptacle 15 substantially reduces the abrasion and wear that a smart card is subject to. --

Please replace the paragraph beginning at page 7, line 10, with the following rewritten paragraph:

--Figure 4 shows a second exemplary embodiment of the present invention. A smart card reader 30 receives the smart card 20 along its latitudinal side edge as shown. The smart card 20 is manually inserted into an open receptacle 35 where a receptacle lip 32 extends over the receptacle 35 partially enclosing a small portion at one end of the reader on three sides. The receptacle lip 32 extends over a lateral side of the receptacle 35 and partially over two adjoining longitudinal sides of the receptacle 35 into a portion of the receptacle 35. The receptacle 35 remains substantially open on the opposite side of a bottom surface 31. Similar to the first embodiment, card reader 30 includes the contact pad 12 with contacts 18. The receptacle lip 32 resiliently holds smart card 20 in place. Figures 5 and 6 show top views of the card reader 30. Figure 5 shows an empty card reader 30 and

Figure 6 shows the card reader 30 with smart card 20 inserted therein. The receptacle lip 32 engages the smart card 20 into the receptacle 35 and ensures the smart card 20 remains in contact with the contacts 18. The embodiment of Figure 4 also reduces abrasion and wear that the smart card 20 is subject to. The lip 32 advantageously applies pressure to a limited area around the outer edge along three sides of the smart card 20. Figure 7 shows a view of reader 30 where the smart card 20 is inserted into the receptacle 35. The receptacle lip 32 keeps the smart card 20 in place during operation.--

Amendments to the Claims:

Please amend the claims as follows:

1. (Currently Amended) A card reader for usage with a smart card to reduce card abrasion comprising:

a ~~an~~ an open receptacle, where the receptacle includes at least one open side, a bottom surface, a first lateral wall, a second lateral wall and a longitudinal wall;

at least one placement tab, where the at least one placement tab extends from the first lateral wall, the second lateral wall and longitudinal wall into the receptacle and secures the placement of the smart card in the receptacle; and

a plurality of contacts residing within the receptacle where the plurality of contacts connects to a smart chip within the smart card upon placement of the smart card in the receptacle.

2. (Currently Amended) The card reader according to claim 1, wherein the plurality of contacts ~~is capable of~~ resiliently ~~contacting a~~ contact the smart chip ~~on a~~ within the smart card.

3. (Original) The card reader according to claim 1, further comprising:

a contact plate within the receptacle of the card reader that includes the plurality of contacts; and

a plurality of electrical leads from the contact plate.

4. (Currently Amended) A card reader for usage with a smart card to reduce card abrasion comprising:

a ~~an~~ open receptacle, where the receptacle includes at least one open side;

a receptacle lip extending ~~around three sides of said receptacle~~ over a lateral side of the receptacle and a portion of two adjoining longitudinal sides of the receptacle to cover a portional edge of the receptacle and securing the placement of the smart card in the receptacle; and

a plurality of contacts residing within the receptacle where the plurality of contacts connects to a smart chip within the smart card upon placement of the smart card in the receptacle.

5. (Original) The card reader according to claim 4, wherein said receptacle lip resiliently maintains the smart card in contact with the plurality of contacts.

6. (Currently Amended) A method of having a card restraining tab smart card interface to reduce card abrasion comprising:

providing an open receptacle to minimize card area contact within a smart card reader;

enclosing the open receptacle on three sides of the receptacle with a first lateral

wall, a second lateral wall and a longitudinal wall;

attaching placement tabs along the first lateral wall, second lateral wall and longitudinal wall;

inserting a smart card into the receptacle and engaging said ~~tab~~ placement tabs;

placing a contact plate within the smart card reader;

aligning the contact plate with a smart chip residing on a smart card; and

resiliently connecting the contact plate to the smart chip.

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1, 2, 3, 5 and 6. The attached sheets which include Figures 1, 2, 3, 5 and 6, replace the original sheets including Figures 1, 2, 3, 5 and 6.

Attachment: Replacement Sheets

REMARKS

Claims 1-6 are now pending in this application. Claims 1, 2, 4 and 6 have been amended. Applicant respectfully submits no new matter has been added. Reconsideration is respectfully requested in view of the following remarks.

Initially, the Examiner objected to the specification regarding the omission of continuation data between the title of the invention and the first line of the specification. As set forth above under the Amendments to the Specification, Applicant has amended the specification in accordance with the Examiner's comments. Withdrawal of this objection is, therefore, respectfully requested.

The Examiner also objected to claim 2 regarding the use of the phase "capable of." As noted above, Applicant has amended claim 2 to address the Examiner's comment. Applicant, therefore, requests the withdrawal of this objection.

Claims 1 through 3 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,936,222 to Korsunsky, et al. The Office Action states that Korsunsky discloses a smart card reader for usage with a smart card that includes a receptacle as shown in Figure 1, at least one placement tab, items 46 and 48, that extend into the receptacle in order to secure the placement of a smart card and a plurality of contact items 22 and 23, which contact a smart chip within a smart card. The Office Action further states that Korsunsky discloses a smart card reader wherein the plurality of contacts is capable of resiliently contacting a smart chip and discloses a smart card reader which includes a contact plate and a plurality of electrical leads leading from said contact plate. The Office Action provides Korsunsky as prior art to support this 102 rejection of claims 1 through 3.

Korsunsky relates to a smart card reader and seeks to provide improved reliability, and prevent premature wear on the contacts through excessive wiping. Korsunsky describes a smart

card reader having a plurality of contacts disposed in a contact receiving area of a base. Figure 1 of Korsunsky shows a smart card reader 10 having an insulative base 12 and a cover 14 mounted thereon. The smart card reader also includes a card insertion opening 18 provided along a mating face 16 which has standard lead in surfaces 24, 26 which open into a card receiving area 20. The Office Action states that the card insertion opening 18 equates to the receptacle as recited in claim 1. As set forth above, Applicant has amended claim 1 to more clearly recite the subject matter of the invention of the present application. Note that claim 1 recites an open receptacle that includes one open side, a bottom surface, a first lateral wall, a second lateral wall and a longitudinal wall. In contrast, Korsunsky merely discloses an insertion slot or an insertion opening 18, i.e., slot, that is used for the insertion of the smart card into the enclosed smart card reader of Korsunsky. The card insertion slot does not equate to an open receptacle as now recited in claim 1. The open receptacle as recited in claim 1 allows a user to place the smart card into the smart card reader of the present invention without insertion through a slot as disclosed in Korsunsky. The open receptacle as recited in claim 1 allows a user to just simply place the smart card into the reader without any horizontal obstruction and the recited placement tabs secures the smart card in place for reading.

Clearly, based upon the foregoing, the smart card reader of Korsunsky does not equate to the card reader as recited in claim 1. Specifically, the open receptacle of claim 1 does not equate to the card insertion opening 18 of Korsunsky. Applicant, therefore, respectfully submits that Korsunsky simply does not disclose each and every element of claim 1 and, therefore, cannot anticipate claim 1 or dependant claims 2 and 3. Applicant respectfully requests withdrawal of this rejection based on the foregoing.

Claims 4 through 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,729,000 to Sugimoto. The Office Action states that Sugimoto discloses an IC card

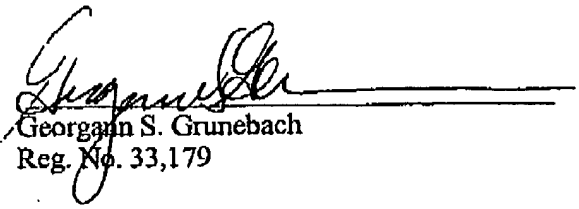
reader that includes a receptacle where the receptacle includes one open side 22, a receptacle lip shown in Figure 3, a plurality of contacts as shown in card connector 31 in Figure 2 and, therefore, discloses the subject matter of claim 4. The Office Action also states that Sugimoto includes the subject matter recited in claim 5 and discloses a receptacle lip that resiliently maintains the smart card in contact with the plurality of contacts. The Office Action also states that method of claim 6 is essentially the same scope of apparatus claim 4 and, therefore, Sugimoto also discloses the subject matter of claim 6.

Sugimoto discusses an IC card reader that includes a lower cover that forms the wall of an apparatus and an upper cover to be installed on the lower cover and a circuit board to be mounted on the upper cover. The Office Action apparently equates the lower cover 10 and upper cover 20 to the open receptacle that is recited in claim 4. Initially, claim 4 now recites an open receptacle, therefore, the lower cover 10 and upper cover 20 simply cannot equate to the open receptacle as recited in claim 4. The Examiner apparently equated the insertion slit 22 of Sugimoto to the open receptacle of claim 4. As now recited, claim 4 includes a receptacle lip that extends over a portional edge of the open receptacle that simply does not equate to the open slit of Sugimoto. Furthermore, claim 4 recites a receptacle lip that extends over a lateral side of the receptacle and a portion to a longitudinal side of the receptacle. The insertion slit 22 as shown in Sugimoto clearly does not have a lateral side and two adjoining longitudinal sides in order to form the receptacle. Sugimoto just merely shows an open slit for insertion into an enclosed card reader. Accordingly, Applicant respectfully submits that Sugimoto simply does not disclose each and every element of amended claim 4. Also, nor does Sugimoto disclose each and every element of the method of claim or dependant claim 5. Applicant, therefore, requests withdrawal of this rejection based upon the foregoing.

CONCLUSION

Based upon the foregoing amendment and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Prompt allowance of all pending claims is therefore requested.

Respectfully submitted,



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Telephone No. (310) 964-4615

March 15, 2005

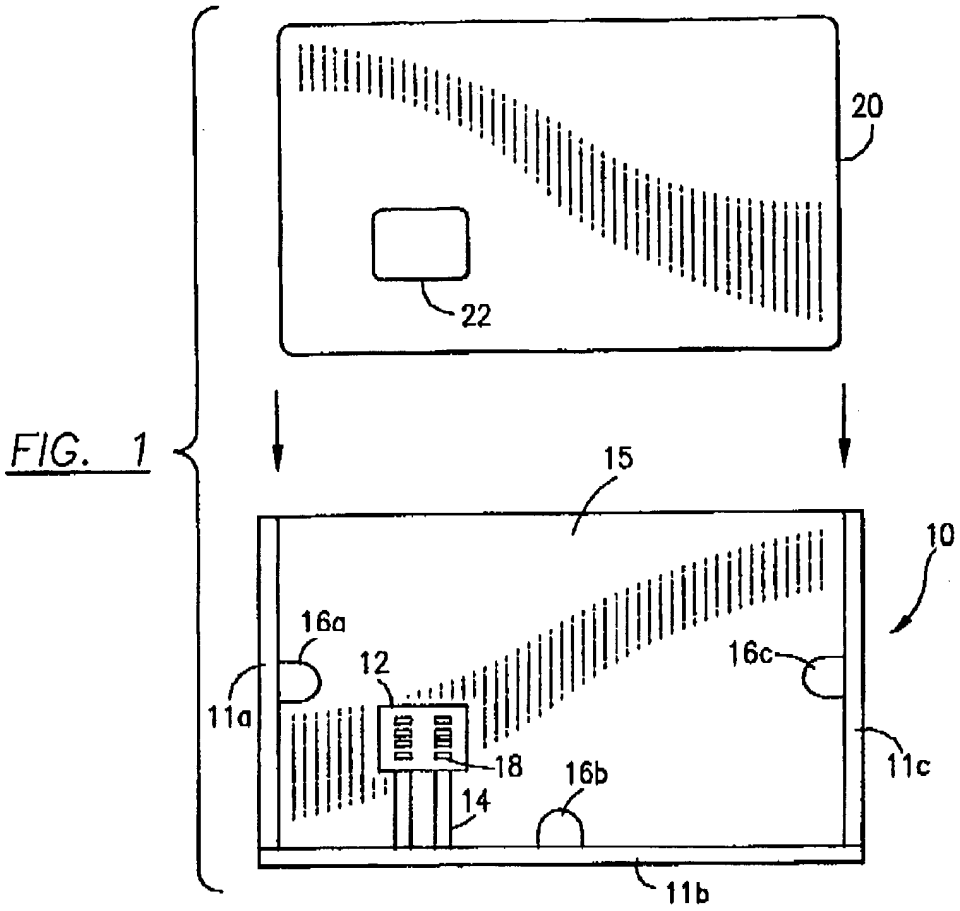

FIG. 1

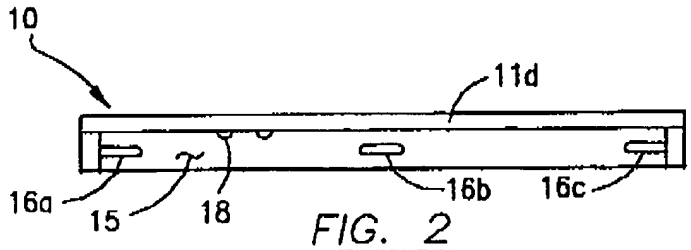

FIG. 2

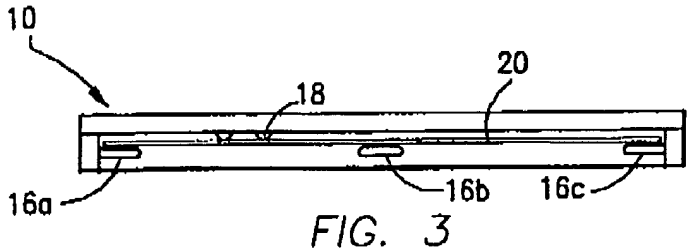

FIG. 3

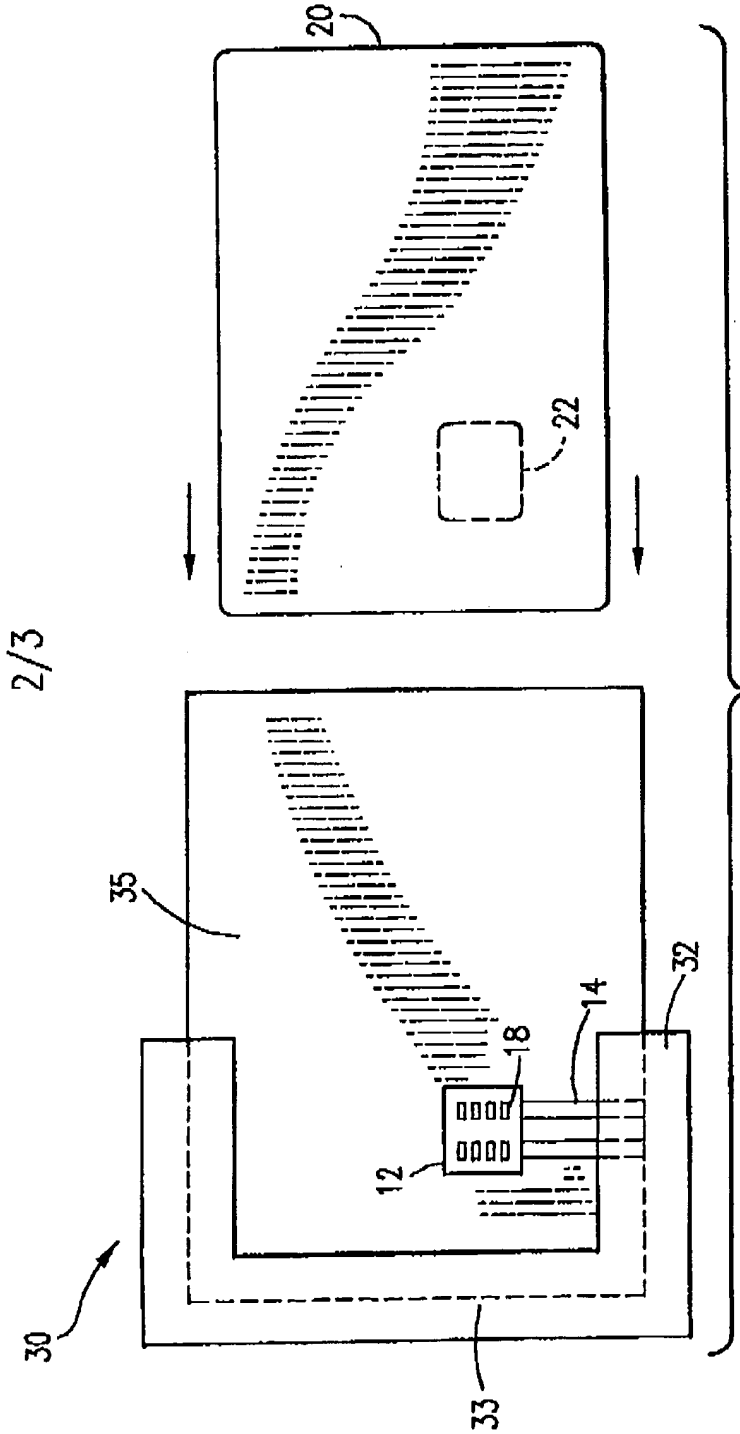

FIG. 4

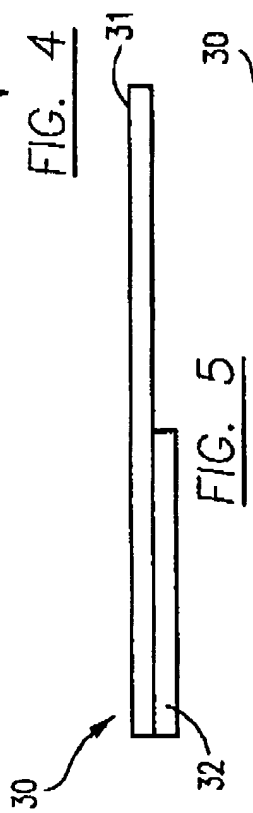

FIG. 5

FIG. 6

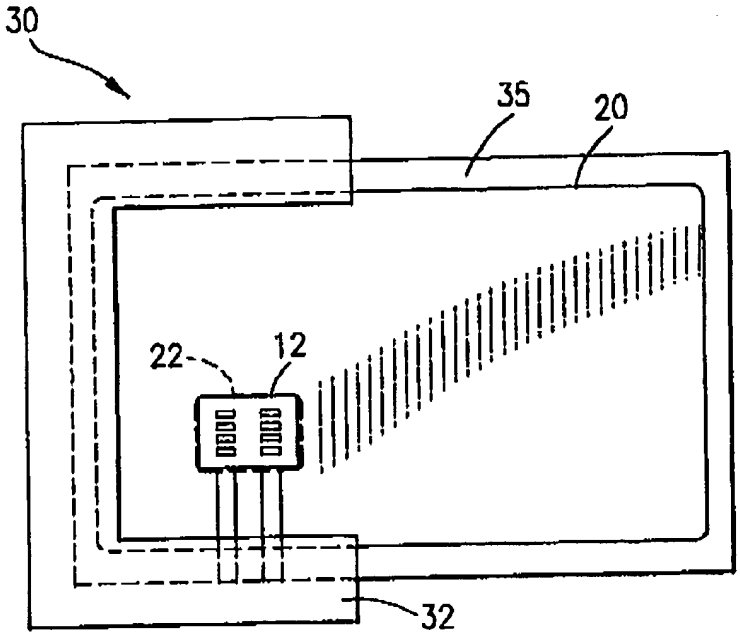

FIG. 7